

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

C.A. NO. 05-11323MLW

CRYSTAL A. ATHERTON and ROBERT W.  
ATHERTON,

Plaintiffs

v.

CITY OF BEVERLY, WILLIAM F.  
SCANLON, in his official and individual  
capacity, and JOHN DUNN, in his official and  
individual capacity,

Defendants

STIPULATION OF DISMISSAL WITH  
PREJUDICE AS TO COUNT II ONLY

Now come the parties to the above-captioned action, pursuant to Fed.R.Civ.P.  
41(a)(1)(ii), and hereby stipulate and agree that Count II, in its entirety, be dismissed with  
prejudice, without interest, costs, expenses or fees to any party.

All of the parties agree that this Stipulation of Dismissal has no effect upon other pending  
claims.

THE PARTIES DISMISSING THE WITHIN CLAIMS WAIVE ALL RIGHTS OF  
APPEAL AND NOTICE.

PLAINTIFFS,  
By their attorneys,

/s/ Jordan L. Shapiro  
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340916/METG/0580

DEFENDANTS,  
By their attorneys,

/s/ Elizabeth R. Corbo  
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